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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,243	07/22/2003	Andrew Perry	LAM2P426	9295
25920 7590 06/20/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER KACKAR, RAM N	
			ART UNIT 1763	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,243	Applicant(s) PERRY, ANDREW	
	Examiner Ram N. Kackar	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 8, 19 and 22 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Coronel et al (US 5658418).**

Coronel et al disclose a plasma etching apparatus capable of determining end point (Abstract) comprising a broad spectrum light source (29 and Col 8 lines 7-16), a spectrometer (33), a lens system (31), light source optical fiber bundle (30), detector optical fiber bundle (32) while light fiber bundle and detector fiber bundle are made in a single bundle with fibers assembled together randomly (Col 8 lines 28-36), detector with discrete detection regions (regions corresponding to optical fibers contained in cables 32a and 32b) for detecting reflected light from an illuminated portion of a substrate (Abstract) and selects the best signal/wavelength (*specific optical signal across a frequency band*) out of the two and uses that signal on the basis of previous calculation (Col 14 line 65 to Col 15 line 13) to determine the etch end point and other etch conditions like etch rate.

3. **Claims 8 and 22 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsuzawa et al (JP 2001093885).**

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Matsuzawa et al disclose a plasma etching apparatus capable of determining end point (Abstract) comprising a broad spectrum light source (Fig 1-20 and paragraph 40 from the English machine language translation), a spectrometer (23), a lens system (22), light source optical fiber bundle and a detector optical fiber bundle being made in a single bundle (21 and paragraph 5) and detector with discrete detection regions for detecting reflected light from an illuminated portion of a substrate (Abstract) to determine the etch end point and other etch conditions like etch rate.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coronel et al (US 5658418) in view of Liu et al (20030201162).**

As discussed above, Coronel discloses spectrometer to detect reflected light from the portion of the substrate illuminated but do not disclose it to be 2D CCD detector.

Liu et al disclose a plasma processing apparatus which could be used for etching (Paragraph 03) or deposition and capable of determining end point (Paragraph 0011) comprising a detector (*sensor*) for detecting reflected light from plasma emission by optical emission spectroscopy emanating from different discrete regions of the plasma in a direction parallel to the

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substrate and determining power spectrum (*specific optical signal across a frequency band*) for each of the different regions (Paragraph 0017) and comparing each of the power spectra to a predetermined value (*model optical signal*) where end point is determined from one of the detector (*sensor*) (Paragraph 0077). Further the optical signals are connected to each sensor from discrete region by fiber optics (Paragraph 0020) and received by a CCD array (Paragraph 49).

Therefore using CCD array as an alternative to photo diode for detection would be obvious to one of ordinary skill in the art at the time of invention.

Response to Arguments

Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive.

Applicant argues that Coronel does not mention or suggest that optical fibers from optical cable 30 are interleaved with those of cable 32 and points to (Fig 3) and its description at Col 8 lines 28-45. Applicant is misinterpreting the phrase "Optical cables 30 and 32 are constructed from fibers forming the bundle." This phrase clearly means that the fibers of the bundle adjacent to lens 31 are segregated into cables 30 and 32. This point is further clarified when this phrase is continued as "Optical cables 30 and 32 are constructed from fibers forming the bundle, *as is the case for optical cables 32A and 32B that form optical cable 32.*" Fig 3 clearly discloses cable 32 being segregated in to two by separating the elementary optical fibers.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ram Kackar
Primary Examiner AU 1763